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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,430	03/27/2002	Sami Huusko	4925-171PUS	2398

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2668

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,430

Applicant(s)

HUUSKO, SAMI

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 3/27/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



HANH NGUYEN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/8/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 15 and 16 are objected to because of the following informalities:

Regarding claims 15 and 16, does “it” on line 1 refer to “a network element” in claim 13

?. If it does, applicant is required make the change appropriately. Appropriate correction is required.

Drawing

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the format of the drawing is not appropriate.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Applicant is required to submit a new set of formal drawing since the drawing filed on 03/27/02 is not appropriate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

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international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8, 11, 12, 13, 14, 15 are rejected under 35 USC 102(e) as being anticipated by Cheung et al. (Pat. 6,657,957 B1).

In claims 1, 11 and 13, Cheung et al. discloses a method for guaranteeing the quality of a connection in a data transmitting telecommunication system (method described in fig.5), where the data is arranged so as to be transmitted through a packet-switched connection (packet switched network is determined through which an incoming call is transmitted, step 540, fig.5) characterized in that at least part of the data transmitted through the packet-switched connection (the incoming call is transmitted through the packet switch network if a call quality is satisfied, steps 560, 565, fig.5); and is arranged so as to be transmitted at least partly through a circuit-switched connection (the incoming call would be rerouted through circuit switched network if the call quality is not satisfied, step 575, fig.5). See col.8, lines 48-67.

In claims 2, Cheung et al. discloses at least one the parties to the connection is a mobile station (telephone 11, as shown in fig.2, may be a wireless telephone; col.5, lines 30-35).

In claim 12, Cheung et al. discloses quality of packet switch connection is monitored during connection (col.9, lines 50-55).

In claims 14 and 15, Cheung et al. discloses a network element according to claim 13 (gateways 180 and 100), characterized in that the network element (gateway 180) is arranged so as to convert the packet data into a form suitable for a circuit-switched connection (gateway 180 converting packetized packets into voice signal for transmitting

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over PSTN network 190) and vice versa (gateway 100 packetizes voice signal using IP protocol over IP network 140). See col.5, lines 40-52.

In claim 8, Cheung et al. discloses part of data transmitted through a circuit-switched connection is speech data (voice call from telephone 111 is transmitted through the PSTN 110). See fig.2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 5, 6, 7, 9, 10, 16, 17 are rejected under 35 USC 103(a) as being unpatentable over Cheung et al. (Pat. 6,657,957 B1) in view of Haeggstrom (Pat. 6,167,040).

In claims 3, 4, 6 and 17, as mentioned in claim 1, Cheung et al. discloses that the call from wireless telephone is routed through IP network (see fig.5), but does not disclose the wireless telephone transmits IP address to Ip server. Haeggstrom discloses a mobile station enters on his telephone Internet address of terminal connected to IP network, whereby the call goes to GGSN 1 (gateway) and SGSN (IP server) (the wireless telephone transmits IP address to Ip server). See col.5, lines 25-32. Therefore, it would have been obvious to one ordinary skilled in the art to apply the teaching of haeggstrom into Cheung et al. in order to transmit IP address from wireless telephone to IP server in packet switched network such as IP network when the call quality is satisfied.

In claim 16, Cheung et al. does not disclose the network element is a MSC, but the telephone 111 in the system of Cheung et al. may be a wireless telephone; or a fax containing head set (see col.5, lines 32-40). Haeggstrom discloses, in fig.2, a MSC communicating with a MS (see col.5, lines 5-10). Therefore, it would have been obvious to one skilled in the art to have a wireless network in Cheung et al. with a MSC of Haeggstrom connecting to a wireless telephone in order to perform Qos for calls between different networks.

In claim 9, Cheung et al. discloses speech data is transmitted from wireless telephone (mobile station) through PSTN as derscribed in claim 1; but does not disclose a GPRE backbone. Haeggstrom discloses, in fig.4, speech data is transmitted through pstn between the Internet network and mobile station (see col.6, lines 7-20). Therefore, it would have been obvious to one ordinary skilled in the art to configure an Internet network of Haeggstrom into the system of Cheung et al. in order to transmit speech data between mobile station and GPRS backbone and provide data communication through packet-switched network to reduce cost.

In claim 10, Cheung et al. does not disclose speech data transmitted from gateway (GGSN 1) to Internet server (SGSN). Haeggstrom discloses, in fig.2, servinge GPRS is in connection with gateway (GGSN). See col.4, lines 55-60. Therefore, it would have been obvious to one ordinary skilled in the art to implement the GPRS network of Haeggstrom into the system of Cheung et al. in order to transmit voice data through packet switch network.

In claim 7, Cheung et al. discloses a memory in mobile communication network (in fig.3, memory 200); but does not disclose storing IP address. Haeggstrom discloses a

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mobile station enters IP address of a destination and transmitted the call through the GPRS backbone to the terminal. (see col.5, lines 22-30). Therefore, it would have been obvious to one ordinary skilled to transmit Ip address from the wireless telephone and stores the IP address in the Gateway so as to establish PSTN connection.

In claim 5, Cheung et al. does not disclose transmitting an IP address to IP server in a form of a short message. Haeggstrom discloses a GPRS network wherein a mobile station transmits an IP address to server SGSN (see fig.2, col.5, lines 25-30). Therefore, transmitting an IP address in a GPRS network in a form of short message is well-known in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Donak et al. (pat. 6330316 B1) ; Cheung et al. (pat. 6515964 B1) ;

Farris (Pat. 6,064,653) discloses Internetwork Gateway to gateway Alternative communication.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan, can be reached on 571 272 3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh, Nguyen



October 28, 2005

HANH NGUYEN
PRIMARY EXAMINER